

**RESOLUTION OF APPROVAL FOR AREA VARIANCE**

**ZONING BOARD OF APPEALS**  
**TOWN OF NORTH CASTLE**

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In the matter of the Application of

**REMIX PROPERTIES, LLC**

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WHEREAS, the applicant, **REMIX PROPERTIES, LLC**, 12 Maple Avenue, Armonk, NY, 10504 and known on the Tax Assessment Maps of the Town of North Castle as Section 108.01, Block 6, Lot 26 and located in a CB-A2 Zoning District, has applied for the following variance from the provisions of the zoning code of the Town of North Castle in order to obtain a site plan approval the applicant will require the following:

Pursuant to Section 355-57A of the Town Code, the required number of off-street parking spaces required is 48, where 15 are proposed, requiring a variance of 33 spaces.

WHEREAS, prior to the hearing, members of the Zoning Board of Appeals conducted an inspection of the premises and surrounding neighborhood; and whereas on September 7<sup>th</sup>, 2023 the Board conducted a duly noticed public hearing on the application, at which time all interested parties had the opportunity to be heard; and the matter was adjourned to the December 7, 2023 meeting and at which time all parties were again provided the opportunity to be heard on the matter, And

WHEREAS, The Zoning Board of Appeals was referred this variance from the Planning Board of the Town of North Castle by letter dated August 8, 2023, as part of the record.

WHEREAS, the applicant has submitted proof of proper notice to nearby property owners required to receive notice thereof:

NOW, THEREFORE, the Board of Appeals makes the following findings:

1. The requested activity is a Type 2 action under the State Environmental Quality Review Act.
2. The variance is “on paper”is extremely substantial as only a third of the required spots can be provided on site by the applicant. However, the applicant has presented plans and agreements to both the Planning Board and the Zoning Board of Appeals which would provide a total of approximately 56 spots located

on site and on various neighboring locations. The Board finds that should the Agreements (with Armonk Square, 20 Maple Avenue and the American Legion) be signed and approved by the Town Attorney, the substantiality would be mitigated.

3. That the effect of any increased population density which may thus be produced upon available services facilities is not significant.
4. There will be no substantial change to the character of the neighborhood nor a substantial detriment to adjoining properties, given the agreements referred to in Finding #2, supra.
5. That the difficulty cannot be alleviated by some other method feasible for the applicant to pursue, unless the number of seats were reduced, a reduction which does comport with the applicant's plans, nor would alleviate the need for some variance.
6. That in view of the manner in which the difficulty arose and considering all of the above factors, the interests of justice will be served by allowing the variances.
7. That the variance would not cause adverse aesthetic, environmental or ecological impacts on the property or on the surrounding area.
8. The variance sought herein is self- created.

NOW, THEREFORE, BE IT RESOLVED, that balancing all of the above factors, the application for relief by the grant of this variance from the requirements of the Zoning Code of the Town of North Castle is hereby granted with the following 2 conditions:

1. Proof of the signed agreements referred to above which are subject to the approval of the Town Attorney.
2. The variance is subject to the specific approval by the Planning Board, from whom the ZBA received this application, on parking and traffic issues .

**Motion by: RAY RODRIGUEZ**


**Seconded by: ROBERT GREER**

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| <b>JOHN L. STIPO</b>     | <b>voting</b> | <b>AYE</b> |
| <b>RAY RODRIGUEZ</b>     | <b>voting</b> | <b>AYE</b> |
| <b>JOSEPH MONTICELLI</b> | <b>voting</b> | <b>AYE</b> |
| <b>ROBERT GREER</b>      | <b>voting</b> | <b>AYE</b> |

**THERE BEING FOUR (4) VOTES IN FAVOR, THE RESOLUTION IS GRANTED BY ORDER OF THE BOARD OF APPEALS.**

DATED:

2/1/2024

  
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Joseph Monticelli, Chairman

  
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Gerald Reilly, Esq.

I HEREBY CERTIFY this to be a true copy of a resolution approved by the vote of the Zoning Board of Appeals of the Town of North Castle at a meeting held On December 7, 2023, at the Town Hall, 15 Bedford Road, Armonk, New York

  
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Lori J. Zawacki, Secretary